

10/602,286
60130-1705REMARKS

The Examiner's answer included a new ground of rejection based on the same reference cited throughout prosecution. Originally the claims were all rejected as being obvious over Tauney (U.S. 4,679,841). The new rejection includes a rejection of all claims as being anticipated by Tauney. Applicant has amended the claims and requests reopening of prosecution and withdrawal of the Appeal to consider Applicant's amendments and remarks.

Applicant has amended claims 1, 11 and 20 to clarify that the second segment is biased directly into contact against a vehicle closure member. The claim also requires that the second segment be part of an arm including a first segment pivotally attached to a spring assembly and mounted about an arm pivot.

The Tauney "*second segment*", identified by Examiner as a portion of plate (9), does not bias directly into contact against the vehicle closure member as is required by amended claims 1, 11 and 20. Accordingly, the rejection over Tauney is believed overcome.

Further, several of the dependent claims include limitations not disclosed or suggested by Tauney. Claim 13 includes the limitation of an extension portion extending transversely from the second segment to directly contact the vehicle closure member when the assembly is attached to the vehicle closure member. Tauney does not disclose or suggest an extension portion, or contact with the closure member.

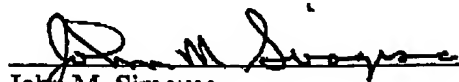
Claims 18 and 19 include the limitation that the first segment and the second segment extend in parallel and opposing directions from the pivot. Examiner has clarified the relative position of the first and second segments of the Tauney device by illustration on Page 6 of the Examiner Answer. As shown in Examiner's illustration and Tauney, the Tauney arm (9) does not include segments that extend in parallel and opposing directions.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

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Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.



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